

IN THE UNITED STATES DISTRICT COURT

JAN 23 2023

FOR THE DISTRICT OF NEW MEXICO

MITCHELL R. ELFERS  
CLERK OF COURT

UNITED STATES OF AMERICA,

Plaintiff,

vs.

**ROBERT BARNETT,**

Defendant.

CRIMINAL NO.

Count 1: 18 U.S.C. § 1343: Wire Fraud;

Count 2: 26 U.S.C. § 7206(1): Willfully  
Making and Subscribing a False and  
Fraudulent Individual Tax Return.

*CR-22-2061 KE*

INFORMATION

At all times relevant to this Information:

Introduction

1. ProTax LLC ("Protax") is a tax preparation and bookkeeping business located in Las Cruces, New Mexico that is owned by Jane Doe.
2. ROBERT BARNETT was employed by ProTax from 2008 until January 2019, where he was responsible for bookkeeping duties for ProTax and had signature authority on the ProTax bank account at Citizens Bank of Las Cruces.

The Scheme to Defraud

3. ROBERT BARNETT opened a personal bank account at Citizens Bank and thereafter made unauthorized transfers of funds from the ProTax account to his personal account. From 2017 to 2018, ROBERT BARNETT embezzled over \$9,700.00 from ProTax by transferring money from its account to his personal account at Citizens Bank.
4. ROBERT BARNETT opened two credit cards in Jane Doe's name and then used them for his personal purchases.

5. ROBERT BARNETT electronically paid these credit cards from the ProTax bank account. He also used a debit card from the ProTax bank account for his personal use.

Count 1

Paragraphs 1 through 5 of the Information are incorporated as though set forth herein.

For the purpose of executing the scheme and artifice to defraud described herein, on or about October 11, 2017, in the District of New Mexico and elsewhere, the defendant, **ROBERT BARNETT**, knowingly and fraudulently transmitted and caused to be transmitted in interstate commerce, by means of wire communications, certain writings, signs, signals, and sounds, namely, he made an electronic credit card payment.

In violation of 18 U.S.C. § 1343.

Count 2

Paragraphs 1 through 5 of the Information are incorporated as though set forth herein.

On or about January 17, 2018, in the District of New Mexico, the defendant, **ROBERT BARNETT**, a resident of Las Cruces, New Mexico, did willfully make and subscribe a Form 1040, U.S. Individual Income Tax Return ("income tax return"), which was verified by a written declaration that it was made under the penalties of perjury and which he did not believe to be true and correct as to every material matter. That income tax return, which was filed and prepared in the District of New Mexico and was filed with the Internal Revenue Service, stated that the defendant's total income for 2017 was \$19,211.00. In fact, as the defendant then there and knew, his actual total income for 2017 and the total amount of taxes due and owing thereon were substantially greater than what he reported on his 2017 income tax return. In fact, the defendant's additional taxable income in 2017 was \$38,174.72 and the additional amount of taxes due and owing thereon to the United States of America was \$5,238.00.

In violation of 26 U.S.C. § 7206(1).

FORFEITURE ALLEGATION

Counts 1 through 2 of this Information are incorporated as part of this section of the Information as if fully re-alleged herein for the purpose of alleging forfeiture to the United States pursuant to 18 U.S.C. § 982(a)(2)(A) and 28 U.S.C. § 2461.

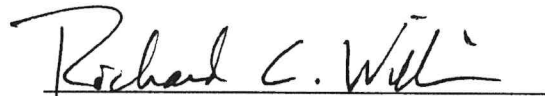
Upon conviction of any offense in violation of 18 U.S.C. § 1343, the defendant, **ROBERT BARNETT**, shall forfeit to the United States pursuant to 18 U.S.C. § 982(a)(2)(A) any property constituting, or derived from, proceeds obtained directly or indirectly, as the result of such violation(s).

The property to be forfeited to the United States includes but is not limited to the following:

MONEY JUDGMENT

A sum of money equal to at least \$70,337.00 in U.S. currency, including any interest accruing to the date of the judgment, representing the amount of money constituting or derived from proceeds of the offense.

ALEXANDER M.M. UBALLEZ  
United States Attorney

A handwritten signature in black ink, appearing to read "Richard C. Williams", is written over a horizontal line.

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